

General Counsel

84-406

ROUTING AND RECORD SHEET

RE: OGC 84-1120

SUBJECT: (Optional)

American Bar Association Questionnaire on Intelligence Community Oversight

FROM:

Harry E. Fitzwater
Deputy Director for Administration
7D 24 Hqs

EXTENSION

NO.

DDA 84-0162/2

DATE

26 January 1984

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.
Associate General Counsel
for Intelligence Community
Affairs

3.

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I asked to take a look at your memo and Fred Hitz's questions. I think Ben's comments make a lot of sense, and I request that you and Stan give them some consideration.

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Harry E. Fitzwater

Att

DD/A Registry

84-0162/1

General Counsel

84-406

24 JAN 1984

NOTE FOR: Deputy Director for Administration

FROM:

Director of Information Services

STAT

SUBJECT: Attached Letter from the ABA

Harry:

1. As requested, attached are some comments on the letter from Fred Hitz of the ABA to Stan Sporkin.

2. As a first observation, I find it interesting that [redacted] memorandum transmitting the ABA letter for comment takes it for granted that a response will be supplied. I think one might argue both sides of this question:

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a. On the positive: [redacted] states that the ABA has been a strong supporter of U.S. intelligence efforts, and by providing an informed response on the subject of intelligence oversight and accountability, we can favorably influence any recommendations the committee makes or the positions it takes. If views of the ABA have in the past actually helped the Intelligence Community, or CIA specifically, then obviously there is merit in cooperating. I would, of course, be leery of any attempt to "favorably influence" the ABA position because the attempt to do so could boomerang if it became public. At the same time, I am no judge as to whether this kind of effort to obtain positive support from the ABA is proper.

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b. On the negative side, one could argue that to respond to the ABA questionnaire could create a dangerous precedent--if we have not already responded to this type of questionnaire. Would we also respond, for example, to questionnaires submitted by the American Psychiatric Association, the American Medical Association, the American Management Association, or any of the other professional associations in engineering, accounting, etc.? We might find it difficult to avoid cooperating with those other associations if in fact we cooperate with the ABA.

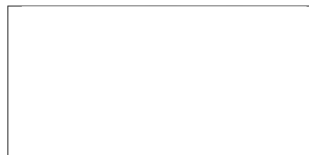
3. I find puzzling that a response to the ABA will represent Stan's "personal" views. I find it difficult to understand how the General Counsel of the CIA could respond to the ABA on a variety of important gut issues on CIA and the Intelligence Community without such a response being treated as an official CIA position. The letter from the ABA was addressed to Stan as the Agency's General Counsel. [redacted] has asked all of the deputies and the Director, IC Staff for views and suggestions to incorporate in a response. All of these would be official, yet the response under Stan's signature would be his views only. Hardly believable.

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4. On a more general note, the subject matters identified in the questionnaire are pretty key matters for us to be discussing openly. They deal with Congressional oversight, the relations between the DCI and the Administration, covert action at a time when the Agency's role has been challenged, domestic operations, and possible institutional changes which could involve reorganization of oversight and levels of responsibility within the executive branch. Certainly, unclassified comments can be prepared on all of these matters, but any such response would have to be carefully worded to avoid being misunderstood or otherwise criticized. If a response is to be submitted, we might consider taking the ABA up on their offer of anonymity.

5. I really am in no position to judge or advise on the substance of the response. I hope, though, that the few comments made herein will allow you to think a little more clearly about your input to the [redacted] memorandum.

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OGC 84-1120
13 January 1984

84-0162
Registry

MEMORANDUM FOR: Director, Intelligence Community Staff
Deputy Director for Operations
Deputy Director for Administration
Deputy Director for Intelligence
Deputy Director for Science and Technology
Chairman, National Intelligence Council
Inspector General
Comptroller
Director, Office of Legislative Liaison

FROM: [REDACTED] STAT

Associate General Counsel for
Intelligence Community Affairs

SUBJECT: American Bar Association Questionnaire on
Intelligence Community Oversight

1. The General Counsel has been asked to respond to a request from the Standing Committee on Law and National Security of the American Bar Association. The Committee is engaged in a study of oversight and accountability in the Intelligence Community. The accompanying correspondence explains the nature and purpose of that study, and includes a questionnaire soliciting the General Counsel's views and comments.

2. Mr. Sporkin has asked me to review the questionnaire and to solicit your views and suggestions. The response decided upon will represent his personal views, and thus will disclaim any intent to represent the Agency's position. However, we feel it would be of great benefit to have your thoughts and perceptions on these important issues.

3. In order to prepare a complete response by the requested deadline, I would appreciate any input you may wish to provide by 31 January. As you may know, the Standing Committee on Law and National Security of the American Bar Association has been a strong supporter of U.S. intelligence efforts. We hope that, by providing an informed (albeit personal) response on the subject of intelligence oversight and accountability, we can favorably influence any recommendations the Committee makes or the positions it takes. Please contact me [REDACTED] if you have any questions. STAT
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cc: DDCI
ExDir